



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

NOV 23 2009

Brian G. Svoboda, Esq.  
Perkins Coie  
607 Fourteenth Street N.W.  
Washington, DC 20005

RE: MUR 6192  
Madison County Democratic Central  
Committee

Dear Mr. Svoboda:

On May 14, 2009, the Federal Election Commission notified your client, Madison County Democratic Central Committee, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

Upon further review of the allegations contained in the complaint, and the information provided by your client, on November 13, 2009, the Commission found that there is no reason to believe that Madison County Democratic Central Committee violated 2 U.S.C. §§ 433(a), 434(a), 441a(f) or 441b(a). Accordingly, on November 13, 2009, the Commission closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

If you have any questions, please contact Shana M. Broussard, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Mark Allen  
Assistant General Counsel

Enclosure  
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Madison County Democratic Central Committee      **MUR 6192**

**I.      GENERATION OF MATTER**

This matter was generated by a Complaint filed with the Federal Election Commission ("the Commission") by Stephen Jellen. *See* 2 U.S.C. § 437g(a)(1).

**II.     INTRODUCTION**

The Complaint alleges that the Madison County Democratic Central Committee ("MCDCC" or "the Committee"), a local committee of the Illinois Democratic Party, failed to register and report to the Commission as a federal political committee during calendar year 2008 despite exceeding the thresholds in the Federal Election Campaign Act of 1971, as amended ("the Act"). Complainant alleges, based upon a review of MCDCC's state disclosure reports, that the Committee exceeded the thresholds when it made a \$1,000 contribution to a federal candidate and spent more than \$5,000 on campaign materials that promoted federal and nonfederal candidates. The Complaint also alleges that MCDCC accepted excessive and possibly prohibited corporate contributions from SimmonsCooper LLC and Lakin Law Firm P.C. Finally, the Complaint asserts that MCDCC accepted numerous other contributions from corporations and labor unions in violation of the Act.

MCDCC denies any violations of the Act and seeks dismissal of the Complaint. The available information indicates that MCDCC did not meet any of the Act's political committee status thresholds requiring registration and reporting as a political committee. Thus, MCDCC is not subject to the Act's limitations and prohibitions on contributions

received. Accordingly, MCDCC did not receive any excessive or impermissible corporate or labor organization contributions. Therefore, the Commission finds no reason to believe that Madison County Democratic Central Committee violated 2 U.S.C. §§ 433(a), 434(a), 441a(f) or 441b(a).

### III. FACTUAL AND LEGAL ANALYSIS

#### A. Political Committee Status

MCDCC is not registered with the Commission. Citing MCDCC's state disclosure reports, Complainant alleges that the Committee contributed \$1,000 to Friends for Daniel Davis, a federal candidate committee, and spent over \$5,000 on "campaign literature, mailings, media advertisements and web pages, as well as rallies, fundraisers and voting promotion of both federal and nonfederal candidates" during 2008. Complaint at 1. Therefore, the Complaint asserts that MCDCC was required to register with the Commission as a political committee. *Id.* at 1-2. The Act defines "political committee" to include any local committee of a political party that does any of the following during a calendar year: (1) makes more than \$1,000 in contributions or expenditures; (2) receives more than \$5,000 in contributions; or (3) spends more than \$5,000 on exempt party activities. 2 U.S.C. § 431(4)(C); 11 C.F.R. § 100.5(c). A local party committee that achieves federal political committee status by exceeding the section 431(4)(C) threshold must register with the Commission within ten days and begin disclosing its financial activities. 2 U.S.C. §§ 433(a) and 434(a); 11 C.F.R. §§ 102.1(d) and 104.1. As set forth below, the available information does not suggest that MCDCC met any political committee status threshold.

1 MCDCC acknowledges that it made a single \$1,000 contribution to Friends for  
2 Daniel Davis, a federal candidate committee. MCDCC Response at 3. However,  
3 MCDCC contends that this amount does not exceed the Act's threshold for political  
4 committee status, and so the Committee was not required to register and file reports as a  
5 federal political committee. *Id.* In addition, MCDCC asserts that Complainant's  
6 allegation that the Committee paid for campaign materials promoting federal and  
7 nonfederal candidates is vague and unsubstantiated. *Id.*

8 Registration as a federal political committee is required under the Act when a  
9 local party committee makes more than \$1,000 in contributions or expenditures during a  
10 calendar year. *See* 2 U.S.C. § 431(4)(C). MCDCC disclosed a single \$1,000 contribution  
11 to a federal candidate, but this contribution did not exceed the \$1,000 threshold for 2008.  
12 In addition, although MCDCC's disclosure reports reflect numerous disbursements for  
13 mailers, election day expenses, and county board literature during 2008, the available  
14 information does not indicate that MCDCC met either the \$1,000 expenditure or \$5,000  
15 exempt activity thresholds for political committee status. *See* 2 U.S.C. § 431(4)(C).  
16 Complainant did not provide copies of any communications sponsored by MCDCC and  
17 the Commission's review of other available information does not reveal any such  
18 communications. Accordingly, the Commission finds no reason to believe that the  
19 Madison County Democratic Central Committee violated 2 U.S.C. §§ 433(a) or 434(a).  
20 *See* MUR 4960 (Hillary Rodham Clinton for U.S. Senate Exploratory Committee, Inc.)  
21 Statement of Reasons (speculative information absent personal knowledge is insufficient  
22 to meet the threshold for "reason to believe").

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**B. Alleged Excessive and Impermissible Contributions**

Citing MCDCC's state disclosure reports, Complainant alleges that the Committee received excessive and possibly prohibited contributions from SimmonsCooper LLC ("SimmonsCooper") and Lakin Law Firm P.C ("LLF"). Complaint at 2. The Complaint further notes that the Committee disclosed "contributions by many other corporations and labor unions." *Id.* The Committee's disclosure reports reflect that MCDCC received contributions from SimmonsCooper during the calendar year 2008 in the amount of \$50,800 and received two monetary contributions and an in-kind contribution from LLF, totaling \$10,594. Complaint Exhibit 1 and 2. The available information does not suggest that the contributions made by SimmonsCooper and LLF were intended for non-federal activities. *See* 2 U.S.C. § 431(8)(A) (the Act defines "contribution" to include "anything of value made by any person for the purpose of influencing any election for Federal office"). In view of the conclusion above that MCDCC did not meet any of the Act's thresholds for political committee status, the Committee is not subject to the Act's limitations and prohibitions on contributions received. Accordingly, the contributions that MCDCC received from Simmons Cooper, LLF, and the various other corporations and labor organizations do not appear to be subject to the Act's limits and prohibitions.<sup>1</sup> Because the available information does not indicate that MCDCC accepted excessive or corporate contributions, the Commission finds no reason to believe that Madison County Democratic Central Committee violated 2 U.S.C. §§ 441a(f) or 441b(a).

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<sup>1</sup> Illinois statute 10 ILCS 5/9-1 et. seq. (2008) permits candidates for state and local office to raise money from individuals, partnerships, and corporations without limits or restrictions on the amounts of such contributions.